

Meeting Date: 11/11/2013 Agenda Item: 2)b. & 5)c.

# STAFF REPORT

REPORT FOR:	Chairman White and Plan Commissioners				
REPORT PREPARER:	Jennifer Higgins, Director of Planning & Development				
ITEM DESCRIPTION:	Conditional Use Permit request to allow for the purpose of used vehicle sales and vehicle detailing business, on property zoned M-1 (Manufacturing and Warehousing), at 5305 E. Jelinek Avenue.				
STAFF'S COMMENT:	This action item is being presented to the Plan Commission to consider the Director of Planning & Development's recommendation that the following motion be approved: "The Plan Commission leaves the hearing open and defers action and further discussion on this item until the 12/9/13 Plan Commission meeting to allow the applicant to submit a site plan."				
ACTION ITEM:	Ordinance Resolution <u>X</u>	Motion File			
DATE OF REPORT:	Fri, November 8, 2013				
DATE OF MEETING:	DATE OF MEETING: Mon, November 11, 2013				
	STATUTORY REFERE	ENCE:			
FISCAL SUMMARY:	Wisconsin Statue:	Chapters 61.35, 62.23			
Budget Line Item:	Administrative Code:				
Budget Line Item:	Municipal Code:	Chapter 94			
Budgeted Expenditure: Judicial Ruling:					
Budgeted Revenue:					

## Policy Question / Issue:

Should the Plan Commission make a motion to recommend approval of the proposed conditional use permit request to the Village Board to allow for Weston Auto Sales to open and operate a used vehicle sales and vehicle detailing business, on property zoned M-1 (Manufacturing and Warehousing), at 5305 E. Jelinek Avenue?

## Background:

The applicant is looking to move their business, Weston Auto Sales, from their current location at 6201 Schofield Avenue. The applicant currently rents this location and is looking for a permanent location they can purchase and operate out of. The operation of a vehicle sales and detailing business is a permitted use by right in the B-3 general business district. It requires a conditional use permit to

operate in the M-1 zoning district. A CUP application has been submitted, along with a CSM that would divide up the Becker Communications property into 3 lots. Each of the 3 lots would have an existing building on it. Staff is currently working with the surveyors and property owner to get the proper documents (cross access easements, utility easements, ect.) in place prior to signing the CSM. While reviewing the CUP it was noted by staff that there is no defined parking lot on this property. Originally, this building shared the parking lot with the Becker Communications building to the west. This building had a gravel driveway. Since the use is changing the property should now be brought up to code. Staff was going to list a site plan requirement as one of the conditions to the CUP and discussed this with one of the applicants, Al Gilbertson. He was ok with this but asked that we hold off on the public hearing for the CUP until next month to give him time to draft a parking lot plan and landscape plan. Since it was already sent out to the neighbors and noticed in the paper, we still have the item on the agenda for discussion and guidance as to what you would like to see in a site plan next month.

## Recommendation following Staff Review:

It is therefore my recommendation, as the Director of Planning & Development, that the Plan Commission discuss this item for requirements for the site plan and refer back to staff to allow staff to work with the applicant on a site plan for the 12/9/13 meeting.

## Policy Alternatives:

- 1) Approve the Conditional Grant Determination document with changes/additions as determined by the Plan Commission.
- 2) Approve as submitted.
- 3) Deny the request.

#### Future Deliverables:

- 1) Conditional Use Permit for recording at Marathon County Register of Deeds
- 2) Building Permit for any interior work required.
- 3) Zoning Permit and Final Occupancy Permit.
- 4) A sign permit for any signage for the business.

## Additional Items:

- 1) Conditional Use Permit Application Materials (CU-10-13-1390) Full conditional use application materials can be found online at <a href="http://www.westonwi.gov/421/Public-Hearing-Notices">http://www.westonwi.gov/421/Public-Hearing-Notices</a>
- 2) CCSM-10-13-1396 Mosher/Becker: Splitting One Lot into Three Lots (5305 E. Jelinek Avenue) Full application materials for the CSM can be found online at <a href="http://www.westonwi.gov/431/CSMs-and-Plats">http://www.westonwi.gov/431/CSMs-and-Plats</a>.



# VILLAGE OF WESTON NOTICE OF PUBLIC HEARING ON APPLICATION FOR CONDITIONAL USE PERMIT #CU-10-13-1390

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission on Monday, November 11, 2013, at 6:00 p.m. to hear testimony relative to an application #CU-10-13-1390 having been filed with the Village Clerk by Matthew Gilbertson, representing Weston Sales, 4302 Ross Avenue, Weston, on behalf of property owner, Becker Properties of Wausau, 5303 E. Jelinek Avenue, Weston, regarding an Application for Conditional Use Permit, which application was received by the Village on the 11<sup>th</sup> day of October, 2013, for the purpose of allowing a used vehicle sales and vehicle detailing business.

The 18,480 square foot property is located on lands at 5305 E. Jelinek Avenue, Weston, WI, more particularly described as follows:

Proposed Lot 1 of Lot 2 of Certified Survey Map #12770, Volume 55, Page 88, being 154 feet along East Jelinek Avenue, and a depth of 120 feet, with an area of 18,480 square feet. All located in Section 21, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

Such lands are located within the M-1 (Manufacturing and Warehousing) Zoning District. Pursuant to the Village of Weston Zoning Ordinance a Conditional Use Permit is required for development of this use in said zone.

The applicant will appear at this hearing to provide to the Village Plan Commission all the information required for issuance of a conditional use permit for the proposed use under the Village of Weston Zoning Ordinance, before such permit can be issued.

A copy of the Application for Conditional Use Permit, including relevant maps and drawings, and information concerning the hearing process is available for review by the public at the Village Municipal Center, 5500 Schofield Avenue, Weston or on the Village's website located at <a href="http://westonwi.gov/421/Public-Hearing-Notices">http://westonwi.gov/421/Public-Hearing-Notices</a>, prior to the hearing.

All interested persons are invited to attend the hearing of the question of issuance of the requested conditional use permit. Written testimony may be forwarded to the Village of Weston Plan Commission Secretary, Valerie Parker, 5500 Schofield Avenue, Weston, WI 54476, or e-mailed to <a href="mailto:vparker@westonwi.gov">vparker@westonwi.gov</a>, by noon on the day of said hearing. All interested persons will be given an opportunity to be heard at the said hearing. Any person planning to attend needing special accommodations in order to participate should call the Plan Commission Secretary at 715-241-2607.

Dated₀this 22nd day of October, 2013

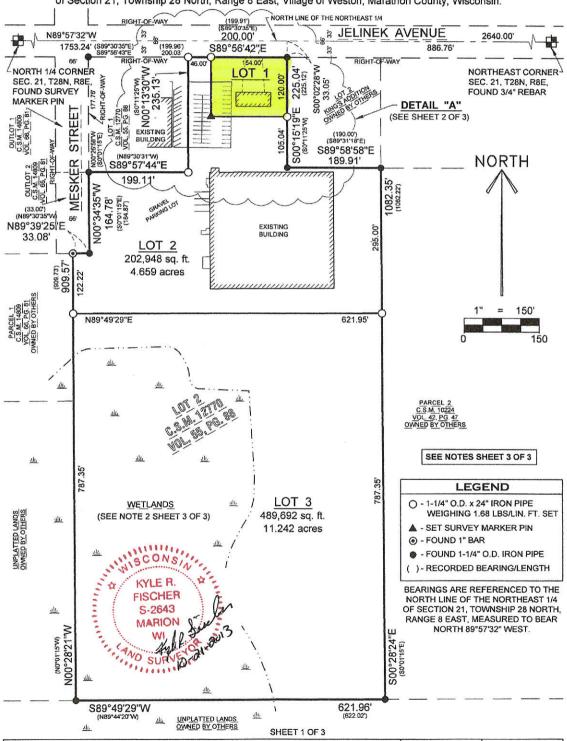
Sherry Ľ. Weinkauf

Village Clerk

Published as a legal ad in the Wausau Daily Herald on Monday, October 28, 2013, and Monday, November 4, 2013.

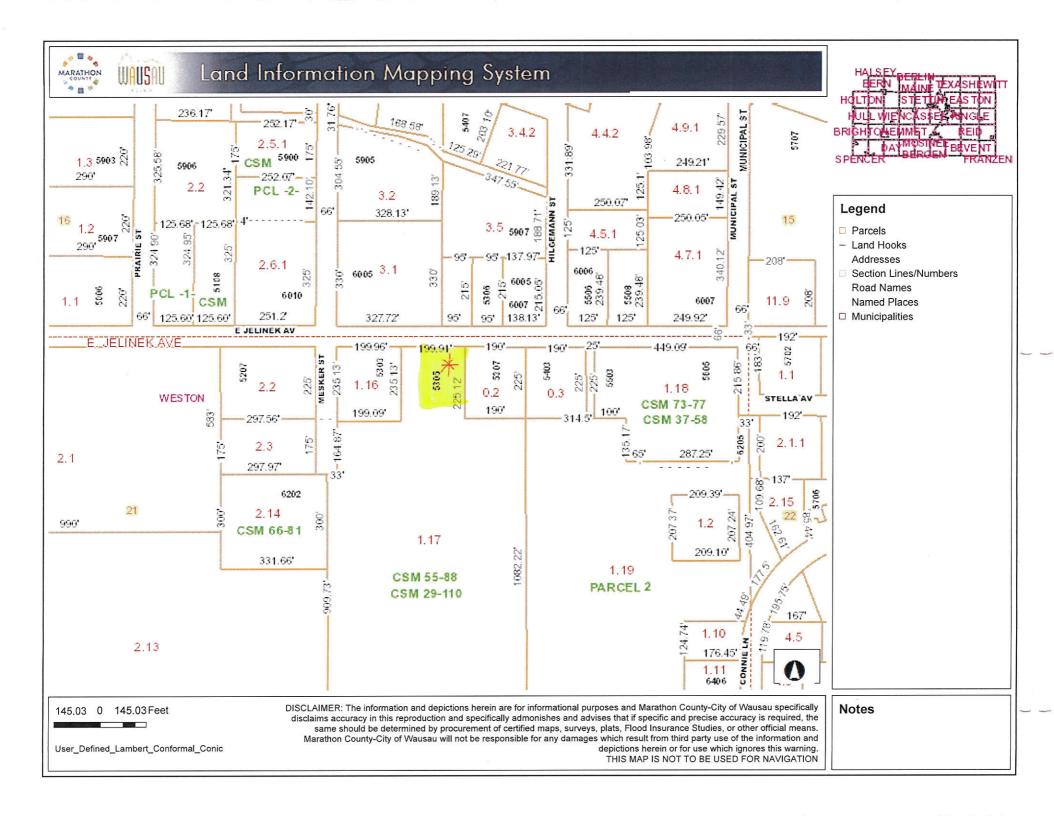
# MARATHON CO. CERTIFIED SURVEY MAP NO.

Part of Lot 2 of Certified Survey Map Number 12770, located in part of the Northeast 1/4 of the Northeast 1/4 of Section 21, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.



424	RIVERSIDE LAND SURVEYING LLC
	6304 KELLY PLACE WESTON, WI 54476 PH 715-241-7500 · FAX 715-355-6894 EMAIL · MAIL@RIVERSIDELANDSURVEYING.COM

DRAWN BY	DATE
M.F.L.	OCTOBER 18, 2013
CHECKED BY	PROJECT NO.
L.H.M.	3005
PREPARED FOR:	ROBERT BECKER





# Land Information Mapping System





## Legend

- ParcelsAddressesRoad Names2010 Orthos
  - Red: Band\_1
  - Green: Band\_2
- Blue: Band\_3

81.01 0 81.01 Feet

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means.

Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

User\_Defined\_Lambert\_Conformal\_Conic

"WHAREHOUSE" # 5305 BECKERS "PURCHASERS, C. DEDTE MATTHEW A. GILBERTSON NEW SOUTH LOT LINE # 5307 WISC AUTO AND TRUCK SALES" 150 70 28'WX 70'L X 9'H 30 WOOD CONSTRUCTION 5303 BECKER LOT LINE (13) PARKING Spots (SALES) 134 861 EASMENT? CURB Ka6'-) IV JELINEK AV (WESTON)

Date Filed 10-11-13 Amount Paid \$350.00 Check No.

# VILLAGE OF WESTON MARATHON COUNTY, WI APPLICATION FOR CONDITIONAL USE



Revised 1/1/2012

Fees: Total Fee Submitted \$

CU-10-13-1390

Application Fee - \$350 Late Agenda Fee - add additional \$100

Special Meeting Fee – add additional \$250

\*\*\*Please note that applicant will also be responsible for all applicable public notice fees and required ordinance publication fees. These fees will be billed following completion of the application process.

One copy of a Registered Surveyor's plat of survey and a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the zoning ordinance, must accompany the application. Applicant will be notified of the date and place of the Public Hearing.

1.	Applicant MATTHEW A. GILBERTSON Telephone 715-581-5559
	Email Address THE WESTON SALES @ gmail. Com
	Address 4302 Ross AVE. WESTON, WI 54476
2.	Owner Becker Properties of Wausen Telephone 715-302-0565
	Address 5303 E. Jellinek Avenue, weston bobib@beckerinc.com
3.	Applicant is (Check one): Owner Agent ( ) Other ( )
4.	The present Owner acquired legal title to the subject property on 1-5-2004
5.	Location, address and Acreage of Property: 530 5 EAST SELINEKAVE
	WESTON WISC. 54476
6.	Legal Description of Subject Property: "NEW (SM"
7.	Present Zoning Classification:

8.	REQUEST: The applicant requests approval of the location of the above described property for the following use:    USED   VEHICLE   SALES   AND   DETAILING
	(WESTON SALES) RELOCATING FROM
	PRESENT LOCATION (6201 SCHEFIELD AV WESTON)
9.	Describe briefly the type of use and improvement proposed
I herek	by depose and say that all the above statements and all accompanying statements and drawings are
Correc	Talle true.
	Signature of Applicant
Applic	ant attendance at this hearing is not mandatory, but is strongly recommended.
FOR C	OFFICE USE ONLY
Forwa	rded to the Village Plan Commission Date: 11-11-13
Date o	f Public Hearing
Recon	nmendation of the Village Plan Commission:
April a service de la constantina della constanti	
NOTE.	
meetii	: This is only a recommendation. It requires action by the Village Board at a Village Board ng to become effective.
Submi	tted to the Village Board Date:
Village	Board Action:
-	
Specia	al Use: (Granted / Denied)
Date C	CUP recorded at the County ROD:

## Jennifer Higgins

Authorization Letter

From: Sent: Bob Becker <br/>
bob.b@beckerinc.com>
Monday, October 14, 2013 3:10 PM

To:

Jennifer Higgins

Cc:

Joel Becker; Andrew Becker

Subject:

Becker Properties building

Jennifer Higgins Community Development Director Village of Weston 5500 Schofield Avenue Weston, Wisconsin 54476-4395

Jennifer.

This email is in regard to Matthew Gilbertson, DBA Weston Sales making application for a conditional use permit for Becker building and property. The land survey is being done by Riverside Surveying.

Mr. Gilbertson is in the process of purchasing the building and property and due to time constraints with the village board meeting schedule, I give Mr. Gilbertson my permission to submit his application early.

Thank You, Bob

Robert G. Becker

PS .... If this permission document needs to be signed by me please let me know.

## www.beckerinc.com



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To:

Village of Weston

**Zoning Board** 



From: Matthew A. Gilbertson

DBA: Weston Sales, 6201 Schofield Avenue, Weston, WI 54476

715-581-5559

Date: 10-10-13

This letter is to state my intention with the Village's approval to move my existing business from the above address to the property that I am purchasing from Becker Communications.

This property is located on East Jelinek Avenue in Weston. My primary business is the sale of used vehicles which I am currently licensed for from the Wisconsin Department of Transportation (license attached). I have included a request for a zoning conditional use permit for this property and also a new relocation license application. which requires local zoning approval for the state license, which I currently hold.

Thank you.

LRS10801 LRS108I	Lar	nd Records Browse	10/18/13 14:34:50				
PIN 192 2808 21 Parcel 62 212808 0 Adr 1 5305 Own 1 BECKER PROP	E JELINEK AVE	WESTON	atus: <b>ACTIVE</b>				
General Parcel Information:							
PIN : 37 192 4 2808 211 0969 Village of WESTON Parcel Number : 62 212808 001 017 00 00 Parcel Status: ACTIVE Sale Date : 1/05/2004 Sale Type : Blank Sale Amount. : 1,713,800 Transfer Tax : 5,141.40 Deed Type : Warranty Deed Deed Reference: 1386498 MAILING ADDRESS  BECKER PROPERTIES OF WAUSAU LLC 5303 JELINEK AVE							
	WESTON	WI 54476 USA					
Parcel Description	S:						
2 Descript	ion(s) on File						
Year Acres F 2008 16.325	ront Depth Floo	od Line Description					
2002 16 575	# # # # # # # # # # # # # # # # # # #	1 SEC 21: 2 PT OF N 1/2 NE 1/4 & : 3 KINGS ADD- LOT 2 CSM ' 4 PG 88 (#12770) EX OUT: 5 CSM VOL 66 PG 81 (#14: 6 ST	LOT 1 VOL 55 LOT 2				
2003 16.575		1 SEC 21- 2 PT OF N 1/2 NE 1/4 & 1 3 KINGS ADD- LOT 2 CSM V 4 PG 88 (#12770)	LOT 1				
Zoning							
3 Zoning Records on File.							
Year Flood Plain 2009	1) M-1 2) OWP 3)	MANUFACTURING & WAREHOUSE	rdinance				
2008	4) 1) M-1 2) 3) 4)	MANUFACTURING & WAREHOUSE	e e				

## Sec. 94.190.1. M-1 manufacturing and warehousing district.

- (a) Statement of intent. The M-1 district is intended to provide for all industrial uses that would not violate the performance standards of article IV of this chapter. In the context of this district, ""heavy manufacturing" is intended to provide suitable areas for more intensive manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. The uses associated with this district are likely to periodically generate higher than normal levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, or other hazardous materials, fire or explosion hazards, or other undesirable conditions.
  - (1) Related functions. This district also provides for warehousing and transportation activities, both as ancillary activities of manufacturing, and as independent facilities and services. Warehousing is also intended to encompass inside or outside storage of raw materials or finished goods, as well as of equipment used on or off the premises.
  - (2) Industrial service functions. Retail and service functions providing direct service to industry are also permitted, as well as those having extensive outside storage which are not industrial or serving industry but which are also permitted in this district on the basis of visual and functional impact compatibility rather than similarity of use.
  - (3) Performance function. Adequate operational techniques and safeguards shall be employed to insure performance control of noise, vibration, odor, glare, and heat to achieve operational characteristics consistent with heavy industry that mitigate any nuisance effect on adjoining properties.
  - (b) *Permitted Uses*. Permitted uses by right are subject to approval by the Planning Commission of building, site and operational plans as set forth in Article V of this chapter. Subject thereto the following uses are permitted in the M-1 District.
    - (1) Any uses permitted by right in the LMD district.
    - (2) Abrasives manufacture.
    - (3) Brick and structural clay products manufacture.
    - (4) Concrete mixing plants.
    - (5) Feed mills.
    - (6) Food processing.
    - (7) Gypsum manufacturing.
    - (8) Heavy equipment manufacturing and repair.
    - (9) Insulation.

- (10) Junk yards and auto salvage.
- (11) Paper processing and manufacturing.
- (12) Resin creation or processing.
- (13) Rubber processing or manufacture.
- (14) Stone products manufacture.
- (15) Heavy machining and tooling.
- (16) Telecommunications towers.
- (17) Contractor shops and yards.
- (18) Garages for repair and servicing of motor vehicles.
- (19) General warehousing; except self-storage facilities.
- (20) Greenhouses wholesale.
- (21) Warehousing and storage; except self-storage facilities.
- (22) Other uses determined by the Plan Commission to be of the same general character as the uses permitted hereinabove, and not found to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazards.
- (23) Any existing business establishment in operation at the time this ordinance was created and the property zoned to an M-1 shall be allowed to continue and expand operations so long as no change of use is undertaken.
- (c) *Permitted accessory uses* are, subject to approval by the planning commission of building, site and operational plans under article V of this chapter:
  - (1) Office, storage, power and water supply and other such uses normally ancillary to the permitted principal uses.
  - (2) Off-street parking and loading facilities as regulated in article VIII of this chapter, including garages and terminal docks.
  - (3) Signs as regulated in article IX of this chapter.
  - (4) Residential quarters for guard or caretaker. Any separate lot shall at least meet the R-2 district standards.
  - (5) Any other accessory use normally ancillary to the permitted principal use.

- (d) *Uses Permitted by Conditional Grant.* Uses permitted by conditional grant are uses that, at the time of the zoning permit application, are questionable as to compliance with one or more of the performance standards of Article IV of this chapter. In such case the applicant must provide the Plan Commission with a business site impact statement and mitigation plan at the time of zoning permit. Such uses include the following:
  - (1) Electroplating.
  - (2) Animal processing or rendering.
  - (3) Traditional foundries or forge plants.
  - (4) Leather tanning and processing.
  - (5) Linoleum manufacturing.
  - (6) Paint products manufacture.
  - (7) Chemical processing and manufacturing.
  - (8) Asphalt products manufacture.
  - (9) Petroleum products storage and processing.
  - (10) Soap manufacture.
  - (11) Steel manufacture.
  - (12) Sewage treatment plants, municipal
  - (13) Mining Operations.
  - (14) Other manufacturing, processing, or storage uses determined by the Plan commission to be of the same general character as the uses permitted hereinabove and not found to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazards.
  - (15) Self-storage facilities.
  - (16) Uses permitted by right and by conditional use in the B-1 through B-3 zoning districts. Such uses shall be complementary to or provide an immediate service function to those uses allowed in the M-1 district.

(Ord. of 11-18-1991; Ord. of 4-28-2005; Ord. of 5-3-2006; Ord. of 7-21-2011)

## Sec. 94.187. B-3 general business district.

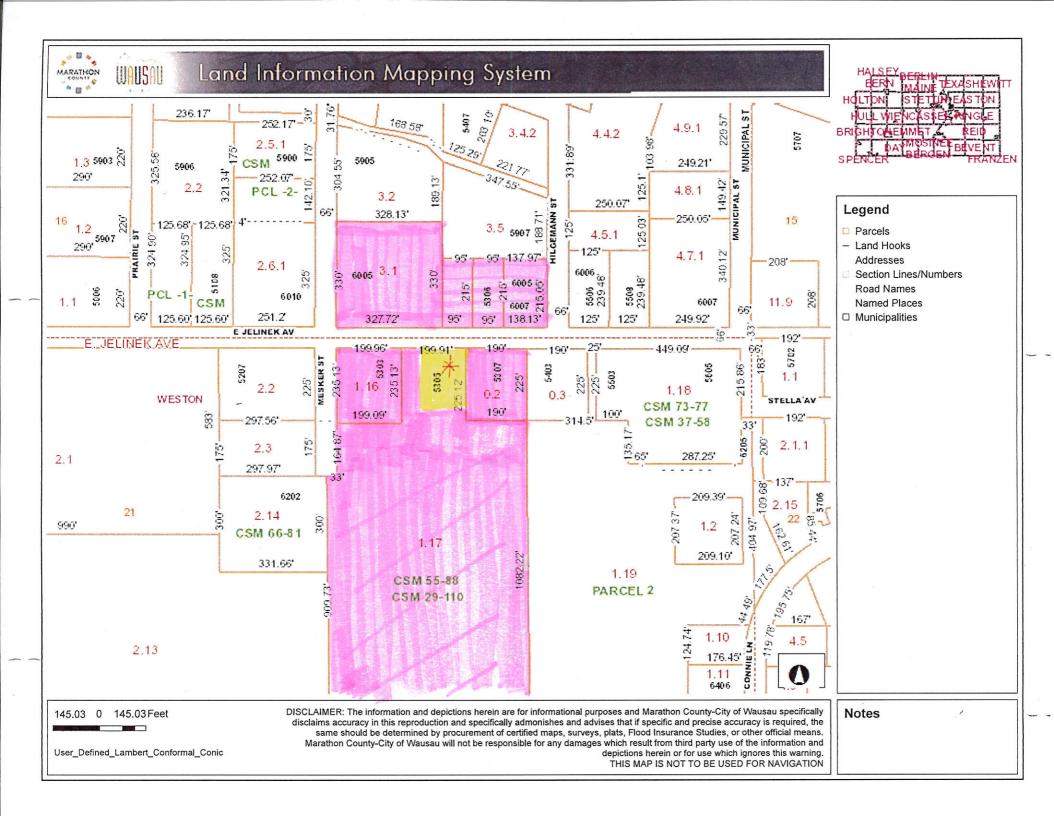
- (a) *Statement of intent*. The B-3 district is intended to provide space for a widely diversified range of commercial uses, including those retail or service uses with a wholesale aspect and those businesses, both small and large, not suited to the B-1 or B-2 districts, including those with extensive outdoor product storage or display.
  - (1) Site characteristics. The uses to be located in this district traditionally need individually owned sites near other major commercial activity and facing or near important traffic arterials, but relying much less upon interchange of customers between adjacent uses as found among B-1 and B-2 uses. To discourage the stripping of B-3 uses along the principal arterial highways, thereby damaging the capacity of such arterials to move traffic safely as set forth in section 94.152, wherever possible uses should be arranged in general business parks. Where stripping is unavoidable, the traffic management measures set forth in section 94.152 will need to be carefully followed.
  - (2) Site regulation. While this district is intended to be quite broad in its permissiveness within the general range of commercial enterprise, the potential is so high among some of the allowable uses for creating a damaging image for their neighborhood (especially where outside storage/display is involved) it is necessary for the planning commission to be especially vigilant in exercising its power of approval of building, site and operational plans under article V of this chapter.
- (b) *Permitted Uses*. Any use permitted by right or by conditional use in the B-1 or B-2 Districts shall be permitted in the B-3 DISTRICT; and in addition, the following uses shall be permitted subject to approval by the Planning Commission of building, site and operational plans as set forth in Article V of this chapter:
  - (1) Amusement establishments including: bowling alleys, pool halls, dance halls, swimming pools, skating rinks, archery ranges, shooting galleries, and similar amusement facilities.
  - (2) Animal hospitals and veterinary clinics.
  - (3) Auction rooms.
  - (4) Automobile service stations.
  - (5) Boat showrooms.
  - (6) Building materials and product sales.
  - (7) Car washes.

- (8) Contractor or construction offices, excluding shops and yards.
- (9) Exterminating shops.
- (10) Farm implement sales.
- (11) Feed and seed stores.
- (12) Fuel and ice sales.
- (13) Garages, automotive repair -- for storage, repair and servicing of motor vehicles, including body repair, painting, and engine rebuilding. No outdoor storage of salvage vehicles or parts of vehicles shall be permitted.
- (14) Greenhouses, landscaping businesses and nurseries.
- (15) Laboratories -- medical, dental and indoor testing facilities.
- (16) Laundries -- room or rooms containing the laundering process (washing, drying, ironing, and wrapping) shall not exceed a total of 2,400 square feet in area.
- (17) Model homes and garage displays.
- (18) Motor cycle and recreational vehicle shops.
- (19) Motor vehicle, recreational vehicle, motorcycle and mobile home sales.
- (20) Parking garages or structures.
- (21) Restaurants and taverns outdoor dining, live entertainment and dancing permitted.
- (22) Schools -- music, dance, business, commercial or trade.
- (23) Self-storage facilities.
- (24) Commercial pet establishments as defined in Chapter 10 Animals includes pet shops, grooming shops, animal daycare and animal boarding kennels. If outdoor runs and exercise areas are used, they shall be located a minimum of two hundred (200) feet from any residential zoning district. All animals shall be kept either within completely enclosed structures or under direct control of the owner or

commercial pet establishment operator or staff at all times, and shall be kept within completely enclosed structures between the hours of 9:00 PM and 7:00 AM. (Also see Chapter 10 Animals for additional regulations).

- (c) *Permitted accessory uses* are any accessory uses, including signs, as permitted in the B-1 and B-2 districts, as well as any others customarily associated with the permitted uses of this district.
- (d) *Uses permitted by conditional grant* are retail or service uses involving related indoor manufacturing (cabinet shops, heating and cooling equipment sales and service with on-site ductwork fabrication, etc.), where the manufacturing floor area does not exceed 5,000 square feet. (See LMD district for floor areas over 5,000 square feet.)

(Ord. of 11-18-1991; Ord. 5-19-2005; Ord. 5-3-2006; Ord. 7-21-2011)



Matthew Gilbertson 4302 Ross Avenue Weston, WI 54476

Custom Glass Products 7515 Venture Circle Weston, WI 54476

Ronald & Cynthia Larson Or Current Resident 5304 E. Jelinek Avenue Weston, WI 54476

Meyer-Peterson Adjustment Co PO Box 19 Weston, WI 54476 Becker Properties of Wausau 5303 E. Jelinek Avenue Weston, WI 54476

Custom Glass Products Or Current Resident 6005 Mesker Street Weston, WI 54476

Andrew Beaumont 7901 Bluebell Drive Wausau, WI 54401 WI Auto & Truck Sales 5307 E. Jelinek Avenue Weston, WI 54476

Ronald & Cynthia Larson 8503 Lori Jody Lane Wausau, WI 54403

Andrew Beaumont Or Current Resident 5306 E. Jelinek Avenue Weston, WI 54476

## Valerie Parker

To:

Kelley Wehner - Wausau Daily Herald (kwehner@wdhprint.com)

Cc:

Jennifer Higgins (jhiggins@westonwi.gov); Sherry Weinkauf; Jessica Trautman

Subject:

Legal Notice to be Published

Attachments:

2013 11-11 Public Hearing Notice to WDH.doc

10/23/13

Hi Kelley,

We would like the attached hearing notice published as a legal notice in the Wausau Daily Herald on the following dates:

Monday, October 28th, and Monday, November 4th.

Please reply to this message letting me know that you received the hearing notice and that it will be published as requested.

Thanks and have a great day,

Valerie Parker
Administrative Specialist
Planning & Development Department
Village of Weston
5500 Schofield Avenue
Weston, WI 54476
PH: (715) 241-2607
FX: (715) 359-6117
vparker@westonwi.gov

www.westonwisconsin.org